



State of Vermont
Vermont Department of Education
120 State Street
Montpelier, VT 05620-2501

TO: Superintendents, Principals, Special Education Directors, Curriculum Coordinators, Career and Technical Center Directors, Local and Regional Standards Boards, Higher Education Institutions

FROM: Robert A. Gross, Assistant Director of Educator Quality

RE: **Revised Licensing Regulations Effective April 16, 2009**

DATE: April 16, 2009

The Educator Licensing Regulations were revised in three areas:

- The **ethics code portion of these regulations** speaks to the essential qualities of the competent and caring educator, including moral integrity, humane attitudes, reflective practice, and a sound understanding of academic content and pedagogy. The public vests educators with trust and responsibility for educating the children of Vermont. Fulfilling this charge requires educators to demonstrate the highest standards of professional conduct. The statement of fundamental principles, which all Vermont educators should follow, includes an enumeration of examples of unprofessional conduct which could subject an educator to licensing action;
- The **technical corrections portion of these regulations** clarifies rules relating to career and Technical Education endorsement; and
- **The Praxis I waiver requirements** put into regulation current Standards Board policies relating to exempting from Praxis I, individuals with disabilities who meet other conditions.

Please find below, a summary of the revisions to the Licensing Regulations. The complete regulations can be found on our Web page at:

http://education.vermont.gov/new/html/licensing/regulations_endorsements.html

Please feel free to contact me at (802) 828-6544 or bob.gross@state.vt.us if there are any questions.

Summary of Regulation Changes

April 16, 2009

MAJOR CHANGES:

5500 Code of Professional Ethics and Rules of Professional Conduct for Vermont Educators

5510 Code of Professional Ethics

The essential qualities of the competent and caring educator include moral integrity, humane attitudes, reflective practice, and a sound understanding of academic content and pedagogy. The public vests educators with trust and responsibility for educating the children of Vermont. We believe that fulfilling this charge requires educators to demonstrate the highest standards of professional conduct.

We, as professional educators, respect the dignity and individuality of every human being. We are committed to, and model for our students, the lifelong pursuit of learning and academic excellence.

We are dedicated to effective scholarly practice, further enhanced by collaboration with colleagues and with those in the greater educational community. Furthermore, we are dedicated to compassionate service on behalf of our students and their families, and we advocate for them in the school and community settings.

We recognize and accept both the public trust and the magnitude of responsibility inherent in our profession. To this end, we put forth these rules of conduct as the foundation for professional practice for all Vermont educators to honor and follow.

5520 Rules of Professional Conduct

What follows is a statement of fundamental principles which all Vermont educators should follow, each of which is accompanied by an enumeration of examples of unprofessional conduct which could subject an educator to licensing action.

5521 Principle I. A professional educator abides by all federal, state and local laws and regulations. Unprofessional conduct includes all conduct listed in 16 V.S.A. § 1698(1).

5522 Principle II. A professional educator maintains a professional relationship with all students, both inside and outside the classroom, and makes reasonable efforts to protect students from conditions which are harmful to their health and safety. Unprofessional conduct includes, but is not limited to:

- A. Committing any act of child abuse, including physical and/or emotional abuse;
- B. Committing any act of cruelty to children, or any act of child endangerment;

- C. Committing any sexual act with, or soliciting any sexual act from, any minor, or any elementary or secondary student regardless of age;
- D. Committing any act of harassment as defined by state or federal law or regulation;
- E. Soliciting, encouraging or participating in a romantic or sexual relationship (whether written, verbal or physical) with a student, the educator knows or should know is a student, in the absence of countervailing facts;
- F. Using patently offensive language including, but not limited to, improper sexual comments;
- G. Taking patently offensive pictures (digital, photographic or video) of students;
- H. Patently improper contact with any minor, or with any elementary or secondary student regardless of age, using any means including electronic media;
- I. Furnishing alcohol or illegal or unauthorized drugs to any student, or allowing or encouraging a student to consume alcohol or illegal or unauthorized drugs.

5523 Principle III. A professional educator refrains during the course of professional practice from the use of alcohol or drugs not prescribed for the educator's use. Unprofessional conduct includes, but is not limited to:

- A. Unlawful possession of a drug so as to evidence moral unfitness to practice as an educator;
- B. Possessing, using or being under the influence of alcohol or drugs, not prescribed for the educator's use, when on school premises or at a school sponsored activity where students are present or may reasonably be expected to be present. (1698(1A)).

5524 Principle IV. A professional educator exemplifies honesty and integrity in the course of professional practice. Unprofessional conduct includes, but is not limited to:

- A. Falsifying, fraudulently altering or deliberately misrepresenting professional qualifications, degrees, academic awards and/or related employment history, when applying for employment and/or licensure;
- B. Failure to notify the state, at the time of application for licensure, of past criminal convictions, or of revocations or suspensions of a certificate or license by Vermont or any other jurisdiction;
- C. Deliberately falsifying, deliberately misrepresenting, or deliberately omitting when requested, information regarding the evaluation of students and/or personnel;
- D. Deliberately improper administration of state or federal mandated standardized tests (including, without limitation, changing a student's test answers, copying or teaching identified test items, and reading a test to students without authorization);

- E. Falsifying, or deliberately misrepresenting, information submitted to the Department of Education in the course of an official educational inquiry and/or investigation.

5525 Principle V. A professional educator entrusted with public funds and/or property honors that trust with a high level of honesty, accuracy and responsibility. Unprofessional conduct includes, but is not limited to:

- A. Misusing, failure to account for, or unauthorized use of, public or school-related funds or property;
- B. Using any school equipment for the purpose of gaining access to pornography.

5526 Principle VI. A professional educator maintains integrity with students, colleagues, parents, and others regarding gifts and other favors. Unprofessional conduct includes, but is not limited to:

- A. Soliciting or accepting gifts or other favors for personal use or gain where there may be an actual or apparent conflict of interest.

5527 Principle VII. A professional educator complies with state and federal laws and regulations, relating to the confidentiality of student and employee records, unless disclosure is required or permitted by law. Unprofessional conduct includes, but is not limited to:

- A. Sharing of confidential information concerning student academic or disciplinary records, health and medical information, family status and/or income, and assessment/testing results, with unauthorized individuals or entities;
- B. Sharing of confidential information by an administrator about employees with unauthorized individuals or entities.

5528 Principle VIII. A professional educator fulfills all of his or her obligations to students. Unprofessional conduct includes, but is not limited to, the failure to provide appropriate supervision of students at school or school-sponsored activities, or the failure to ensure the safety and well-being of students.

5529 Principle IX. A professional educator complies with obligations to report alleged unprofessional conduct. Unprofessional conduct of an administrator includes, but is not limited to:

- A. The failure of a superintendent who has reasonable cause to believe an educator has engaged in unprofessional conduct to submit a written report to the commissioner;
- B. The failure of a principal who submits to the commissioner a report of alleged unprofessional conduct to submit it to his or her superintendent as well.

5530 Principle X. A professional educator ensures just and equitable treatment for all members of the profession in the exercise of academic freedom, and in professional rights and responsibilities. Unprofessional conduct includes, but is not limited to:

- A. Conduct that unreasonably impairs a colleague's ability to teach or perform his or her professional duties, including acts of harassment or interfering with the free participation of colleagues in professional associations;
- B. Taking, sharing or disseminating inappropriate pictures (digital, photographic or video) of colleagues.

Application Notes.

1. The foregoing Code of Professional Ethics is adopted in accordance with 16 V.S.A. § 1694(5).
2. Nothing in these Rules can, or is intended to, vary the definition of "unprofessional conduct" which is contained in 16 V.S.A. § 1698. Rather, these Rules enumerate a non-exclusive list of conduct which, if proven in a particular case, might constitute unprofessional conduct.

Technical Corrections

5220 Who Needs To Be Licensed/Responsibilities for Licensure...

It is the responsibility of the superintendent **or director of an independent career and technical center** to ensure that on the first day of any assignment of duties requiring licensure under these rules, each educator has a valid license, an appropriate endorsement, and any other applicable license or credential for the educator's assigned duties, and to ensure that the license and endorsement, as well as any other applicable licenses or credentials, are maintained throughout the assignment. Failure to do so may subject the superintendent **or director of an independent career and technical center** to the discipline under provisions of Chapter 51 of Title 16.

- 5231 School Counselors and Career and Technical School Counseling Coordinators are again required to meet the 16 principles for Vermont Educators when applying for licensure. They were required prior to April 1, 2008 and were inadvertently removed in the 2008 revisions.

5350 Provisional Licenses and Endorsements...

- 5351 Applicants for Provisional Associate School Nurse endorsements **must have an Associate's Degree/Diploma from a nursing program accredited by the National League for Nursing (NLN) but** are exempt from the baccalaureate degree requirement. **Applicants for Provisional Career and Technical Education endorsements must have an Associate's Degree, or its equivalent, but are exempt from the baccalaureate degree requirement.**

5405 Apprenticeship License - Career and Technical Educators

The Standards Board, or its designee, shall issue a three (3) year Apprenticeship License to individuals seeking licensure as career and technical educators with Career and Technical Education endorsements who do not meet the requirements for a Level I License under sections 5232-5235 of these rules **and who are enrolled in the**

Career and Technical Education Mentor Program as specified in 5340. The educator examination requirements of Sections 5240 through 5247 of these rules shall not apply to applicants for Apprenticeship Licenses.

5440 Endorsements...

5445 Endorsements for Vermont Educators

Endorsements may be obtained in the following areas. For the purposes of these rules, the number preceding each endorsement title shall be the code for that endorsement.

Administrator Endorsements

(20) Assistant Director for Adult Education

The holder is authorized to design, implement, and administer educational and employment and training programs for adults in Vermont secondary schools and career and technical centers.

Teacher Endorsements

(03) Business Education

The holder is authorized to teach business education in grades 5-12 **in middle and high schools.**

(17) Career and Technical Education

The holder is authorized to teach one or more career cluster area courses of study **in a career and technical** center in grades 9-12 as specified on the endorsement. The following career cluster areas are available:

List was removed to allow flexibility for new areas

(10) Design and Technology Education

The holder is authorized to teach design and technology education in grades **5-12 in middle and high schools.**

(09) Family and Consumer Sciences

The holder is authorized to teach family and consumer sciences in grades 5-12 **in middle and high schools.**

Praxis I Waiver

5247.4 WAIVER OF PRAXIS I REQUIREMENT

- A. A superintendent may apply for the waiver on behalf of the school district
- B. The school district would need to demonstrate that not being given a waiver would substantially inhibit the districts ability to carry out “its locally established objectives.”
- C. The prospective teacher on whose behalf the waiver is being requested must document that he/she:
 - 1. has undertaken additional efforts to acquire knowledge and skills necessary such as tutoring and courses,
 - 2. has an identified and documented disability and has exhausted all ETS for accommodations for that disability, and
 - 3. has taken the exam a minimum of three times without being able to meet the required cut scores.
- D. If A - C are met and the VSBPE finds that the candidate is otherwise qualified, the VSBPE will instruct the Educator Quality Division’s Licensing Office to issue a license that is restricted to teaching in the school building of the district making the waiver request.